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MISSOULA, MT

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BY PATRICK E. BUFFY

DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

| | | |
|----------------------------------|---|----------------|
| WANDA BOGESS, |) | CV 05-80-M-DWM |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | ORDER |
| |) | |
| JO ANNE BARNHART, |) | |
| Commissioner of Social Security, |) | |
| |) | |
| Defendant. |) | |
| |) | |

On May 30, 2005, United States Magistrate Judge Leif B. Erickson filed Findings and Recommendation in this matter. Defendant Jo Anne Barnhart, Commissioner of Social Security, did not file objections and are therefore not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been

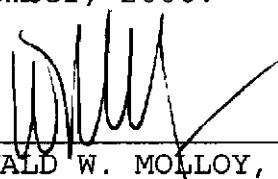
committed." United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

Claimant brought the action under 42 U.S.C. § 405(g), seeking judicial review of a decision by the Commissioner of Social Security (Commissioner) awarding her only a closed period of disability insurance and Supplemental Security Income benefits under Titles II and SVI of the social Security Act (Act).

It is Judge Erickson's recommendation that the Claimant's Motion for Summary Judgment be DENIED, the Commissioner's Motion for Summary Judgment be GRANTED and the Commissioner's decision be AFFIRMED.

I find no clear error in Judge Erickson's Findings and Recommendation (dkt #18) and I adopt them in full.

DATED this 19th day of September, 2006.


DONALD W. MOLLOY, CHIEF JUDGE
UNITED STATES DISTRICT COURT

